

# HOUSE BILL REPORT

## ESB 5779

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### As Reported By House Committee On:

Commerce & Labor

**Title:** An act relating to crime prevention employee training in businesses operating during evening hours.

**Brief Description:** Requiring additional crime prevention training for employees of evening retail establishments.

**Sponsors:** Senators Kline, Winsley, Fairley, Costa and Oke.

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/29/99 [DP].

#### Brief Summary of Engrossed Bill

- The definition of late night retail establishments, which are required to protect employees against workplace violence, is expanded to cover businesses open between 8:00 p.m. and 7:00 a.m.

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

**Staff:** Douglas Ruth (786-7134).

### Background:

Violence in the workplace is a significant contributor to occupational injuries and fatalities. The Bureau of Labor Statistics' data for 1992-1996 shows violence as the fourth leading cause of workplace deaths in Washington state, resulting in an average of 11 fatalities per year. In 1997, the number of fatalities rose to 15. According to the Department of Labor and Industries, 25 percent of the claims related to assaults and violent acts resulted in four or more days of time loss from work. The average

cost per claim during 1992-95 was \$3,535. However, during these same years the overall number of violence-related claims decreased by approximately 12 percent.

In Washington, violence by strangers accounts for most of the workplace fatalities. Commonly, this violence occurs at late night retail establishments, in taxi cabs, and other workplaces where employees handle cash or work alone.

To address this type of workplace violence, the law requires "late night retail establishments" to implement safety measures. Late night retail establishments are defined as those making sales between 11:00 p.m. and 6:00 a.m. not including restaurants, hotels, taverns or lodging facilities. These establishments must leave an unobstructed view of the cash register, post a conspicuous sign stating that employees do not have access to large amounts of cash, install limited access safes, and light parking areas.

In addition, in 1990 the department adopted standards for workplace violence training for late night retail employees. The training must teach employees robbery and violence prevention policies and procedures, and provide the skills and knowledge necessary for employees to protect their safety. The department does not certify the training materials employers must provide.

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**Summary of Bill:**

The definition of late night retail establishments is expanded to cover establishments making sales between 8:00 p.m. and 7:00 a.m. Consequently, the "late night retail establishment" category of businesses is renamed "evening retail establishment."

The types of retail establishments required to provide crime prevention training are narrowed to those within the standard industrial classification codes 5411 and 5541, food and gasoline retailers.

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**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The department supports this bill. Data shows that 42 percent of the claims related to workplace violence occurred during the hours that are encompassed by this bill. This bill does not include many late night retailers, but current law does not cover these same retailers either because they are not open during the hours of operation covered by current law (e.g., sporting goods stores).

Twenty percent of claims related to workplace violence occur in establishments not covered by this bill. The department does not certify training materials developed by employers, however, it does develop training materials on its own. Since the late night retail industry has increased its efforts to prevent workplace violence, claims have been reduced. Department data shows that in establishments covered by the 1989 law, injuries have been reduced. Simple training can have a very pronounced impact on the number of workers that are injured as a result of theft. Many robberies occur before 11:00 p.m. This bill will help prevent workplace injuries associated within these hours. The bill is not so broad as to have the department step in where business and labor are adequately cooperating to protect employees. It is very costly for smaller establishments to meet these requirements. Currently, the retail industry is voluntarily addressing the issue of workplace violence. Part of this effort is to insure that safety and crime prevention training is part of all new employee training programs. Also, the industry does annual updates of its training and materials, and uses materials developed in cooperation with unions.

**Testimony Against:** None.

**Testified:** Senator Kline, prime sponsor; Michael Silverstein, Department of Labor and Industries; Joe Daniels, United Food and Commercial Workers District Council; and Jan Gee, Washington Food Industry and Washington Retail Association.